

REMARKS

Claims 2-9, 13-18 and 20-24 are pending in the present application. Claims 1, 10-12 and 19 have been canceled and claims 20-24 having been added herein. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Applicant notes the request that the claim for priority be made in accordance with the certified copy of the Japanese application previously filed. The Examiner's attention is invited to the first page of the late submission of filing fee and/or declaration filed on June 17, 2004. The second checked paragraph in which a claim for priority is made. Acknowledgement of this claim is most respectfully requested.

The specification has been reviewed and minor errors have been corrected.

Claims 1-19 were rejected under 35 U.S.C. §103 as being unpatentable of Stefik et al. (U.S. Patent No. 6,708,157). This rejection is respectfully traverses for the following reasons.

Claims 1, 10-12 and 19 have been rewritten as claims 20-24 respectively to clarify the present invention. Applicant respectfully submits that the present claimed

invention now includes, in combination, the following elements:

(a) Purchase certificate generating means for generating a purchase certificate including purchase certificate ID, product ID and contents distribution server URL on the basis of a license purchase request including product ID of digital contents received from a client terminal via a network and transmitting the purchase certificate to the client terminal, and

(b) license generating means for receiving a license request including said purchase certificate from a client terminal via the network, generating a license including the product ID matching said purchase certificate contained in said license request and decryption key for decrypting the encrypted digital contents and transmitting the license to the client terminal.

In contrast to the above features, Stefik '157 introduces a concept of "usage right". Exercise of the usage right is performed by using digital ticket which is used to entitle the ticket holder to exercise certain usage rights with respect to the digital work. A digital ticket is an instance of a digital work (col. 4, line 22). Further, usage rights are used to define how a digital work may be used or distributed. Each usage right may specify a digital ticket,

which must be present before the right may be exercised.
Digital works are stored in repositories that enforce a
digital works usage rights.

Comparing the present claimed invention and the
disclosure of Stefik, Stefik does not include the complex
processes as specified in the present claimed invention. In
Stefik, all the processes of distributing licenses (usage
right), receiving a request of watching and/or listening to
digital contents and distributing the digital contents are
executed at the repository. Therefore, the present invention
is far different from the Stefik patent and those skilled in
the art cannot easily infer the present invention from the
teachings of Stefik.

Also, in Stefik, the functions of selling the
license based on the request for purchasing the license from
the user and of distributing the contents in response to a
request of watching and/or listening to digital contents based
on the license are concentrated in the repository. So, a
users' personal information is collected by the repository,
and consequently, the watching and/or listening inclination of
a user may be easily intercepted by a third party. This is
undesirable from the point of view of protecting personal
privacy. In contrast, in the present claimed invention, the
license issuing function and the content distribution function

are positioned independently of each other, so the third party cannot obtain the watching and/or listening inclinations of the user.

Further, Applicant respectfully submits that the Office Action does not set forth a *prima facie* case of obviousness. In particular, the Office Action states "Stefik does not employ precisely the terminology and steps of the instant application. However, mere renaming and reordering of steps does not constitute patentability." Applicant respectfully submits that the Office Action does not set forth any explanation as to how the difference in terminology is mere "renaming". Further, the Office Action does not set forth how the difference in the steps claimed by Applicant is mere "reordering of steps" as applied to the Stefik patent. If this rejection is maintained, the Examiner is requested to provide specific citation to elements of Stefik, with reference numerals and citations to the patent, where Applicants claimed invention is alleged to have been found.

For at least these reasons, Applicant respectfully submits that claim 20 is patentable over the prior art of record. Applicant submits that claims 2-9, 13-18 and 21-24 are patentable in and of themselves and for the reasons discussed above with respect to claim 20..

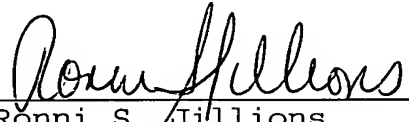
Appln. No. 10/759,221
Amdt. dated January 13, 2006
Reply to OA dated Sept. 13, 2005

In view of the above amendments and remarks,
Applicant respectfully requests reconsideration and withdrawal
of the outstanding rejections of record. Applicant submits
that the application is in condition for allowance and early
notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to
contact the undersigned at (202) 628-5197.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Ronni S. Jillions
Registration No. 31,979

RSJ:ma
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\bn\k\kanf\uemura9\pto\Amendment-A.doc